

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and the following remarks are presented for the Examiner's consideration.

Initially, Applicants note that the Examiner has not acknowledged the receipt of the certified copy of the priority document submitted with the filing of the application on June 20, 2001. Applicants therefore request that the Examiner acknowledge the receipt of the priority document in the next Office action.

It is also noted that Applicants have not received initialed copies of the forms PTO-1449 submitted on October 8, 2001, April 21, 2003 and September 23, 2003, respectively. Applicants therefore request initialed copies be forwarded in the next Office action.

The Examiner has indicated in the Office action that claims 1-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-25 of co-pending Application No. 09/885,429. In response to the Examiner's indication, the Applications are ready to submit the Terminal Disclaimer in the event that the conflicting claims are in fact patented. In view of the Terminal Disclaimer, the Examiner's indication is no longer applicable to the present application.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.


App. No. 09 885,435
Amdt. Dated February 16, 2005
Reply to Office action of December 17, 2004

If there are any additional fees resulting from this communication, please charge same
to our Deposit Account No. 16-0820, our Order No. 33719.

Respectfully submitted,

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